

United States Court of Appeals
For the Eighth Circuit

No. 15-2756

United States of America

Plaintiff - Appellee

v.

Jessie Robinson, also known as Lil Jessie

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: March 23, 2016

Filed: March 28, 2016

[Unpublished]

Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Jessie Robinson appeals after imposition of sentence by the district court¹ upon his guilty plea to a drug conspiracy charge. Counsel has moved to withdraw, and in

¹The Honorable Brian S. Miller, Chief Judge, United States District Court for the Eastern District of Arkansas.

a brief filed under Anders v. California, 386 U.S. 738 (1967), he argues that the sentence, which represents a variance above the calculated Guidelines range, is unreasonable. In a supplemental brief, Robinson argues that the court abused its discretion by varying upward without explanation, and without discussing the 18 U.S.C. § 3553(a) sentencing factors.

After careful review, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2002) (en banc) (appellate review of sentencing decision), we conclude that the district court committed no procedural error, and that the sentence is not substantively unreasonable. The court entertained written and oral arguments--and engaged in an interactive discussion with counsel, and with Robinson--on an appropriate sentence. The court emphasized the need to protect the public from Robinson's future crimes, and to deter him from further criminal activity. The court noted that Robinson's behavior was inconsistent with his professed desire to be productive and care for his son; and the court expressed great concern over Robinson's history of irresponsible and violent behavior, and his recidivism. We conclude that the district court provided a detailed, careful, and reasoned explanation for the upward variance, relying on relevant factors under section 3553(a). See 18 U.S.C. § 3553(a); United States v. Jordan, 573 F.3d 586, 590 (8th Cir. 2009) (per curiam) (where court makes individualized assessment based on facts presented, addressing defendant's proffered information in consideration of § 3553(a) factors, sentence is not unreasonable); Feemster, 572 F.3d at 461-62 (appeals court takes into account totality of circumstances, and considers extent of deviation, but must give due deference to district court's decision that § 3553(a) factors as a whole justify extent of variance).

Having independently reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw and deny the motions for appointment of new counsel. The judgment is affirmed.